



Heather Butler  
PLANNING / ZONING BOARD  
ADMINISTRATOR

TOWNSHIP OF GALLOWAY  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
PLANNING BOARD      ZONING BOARD OF ADJUSTMENT

300 E. JIMMIE LEEDS ROAD, GALLOWAY, NJ 08205  
(609) 652-3700 EXT. 218 FAX: (609) 652-5259

**MINUTES**  
**ZONING BOARD**  
**December 10, 2015**

The Meeting was called to order at 6:30 by Chairman Mayer.

**Present** Richard Clute, Chris Coleman, Anthony DiPietro, Jerry Hauslet, Robert Mayer,  
Paul McColgan, Tom Sidrane & Ed Sperling

**Absent** Bob Birch

**Approval of Bill List:** December 2015 (Approved)

**Approval of Minutes:** October 8, 2015 (Approved)

<b>Approval of Decision &amp; Resolutions:</b>	4A-15 – Rosenberger	(Approved)
	# 10-15 – Wawa	(Approved)
	# 12-15 – M. Sciolli Jr.	(Approved)
	# 13-15 – K. Patel	(Approved)

**The following professionals were sworn in**  
Tiffany Cuvillo – Township Planner  
Edward Dennis - ZBA Engineer

**New Appeals:**

**#14-15 Sean Widecrantz**  
145 S. Odessa Ave.  
B. 475 L. 16  
Zoning District: R-5  
Requested: Front yard setback

The applicant is represented by Thomas H. Darcy, Esquire.  
Sean Widecrantz and Harry Harper were both sworn in.

Exhibit A-1 – Legal letter from Mr. Thomas Darcy dated 12-07-2015.

Mr. Darcy gave a description of the property and surrounding area. There is only a front yard setback deficiency due to environmental constraints. He stated that this is a C1 and C2 variance. They are proposing a front yard setback of 100 feet where 200 feet is required. The applicant has agreed to deed restrict a 30 foot wide strip of land on the Southwest side of the property, which adjoins the Davis property, from Odessa Avenue to the rear property line.

Mr. Harry Harper gave testimony to the positive and negative criteria.

#### **Public Comments**

Stephen Nehmad, attorney for Herb and Pat Davis stated that with the deed restriction they have reached an agreement.

#### **Board Comments**

Board member Clute asked the applicant if he was aware of the noise that comes from the commercial property that is next to his property.

*Yes.*

Board member Sidrane asked about front yard setbacks in the area and the tree line that boarder Mr. Davis' property and Mr. Widecrantz's property.

A motion to approve application 14-15, Widecrantz for a front yard setback Variance was made by McColgan and seconded by Sidrane.

All in favor: Clute, Coleman, DiPietro, Hauslet, McColgan, Sidrane and Mayer.

Opposed: None

#### **#15-15 20-24 JLR LLC.**

20-24 Jimmie Leeds Road

B. 874 L. 11.01, 11.02, 13.01, 13.02

Zoning District: PRO

Requested: D(1) Use Variance

The applicant is represented by Stephen Nehmad. Mr. Nehmad gave an overview of the property and what the applicant is seeking approval for. The applicant is proposing to build a Mavis Tire Store at this location. If the application is approved they will come back for site plan approval.

#### **Exhibit List**

- A-1: Aerial photo of premises and surroundings
- A-2: Aerial photo of premises with site plan superimposed
- A-3: Rendered conceptual site plan
- A-4: Comparative trip generation chart
- A-5: Rendered architectural elevations
- A-6 Architectural floor plan
- A-7: Survey of premises
- A-8: Architectural rendering
- A-9: Somers Point Mavis Tire
- A-10: 2 Hardy Plank siding shingles
- A-11: Asphalt shingle display
- A-12: Cantilevered canopy drawing

Bill McManus, Marcus Rosenau, Michael Manes and David Portman were all sworn in.

Mr. McManus was accepted as an expert by the board as a professional planner and licensed surveyor. He then gave testimony to the property's condition and history of the area. The site plan was then discussed along with the traffic study. He stated that this would be an appropriate location for this use due to the new interchange at the Parkway and traffic on Jimmie Leeds. He feels this use variance could be approved without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zone ordinance.

Mr. Manes, director of real estate for Mavis Tire, gave an overview of Mavis Tire and its history. Mavis Tire does mainly tire sales and installation along with brake work, exhaust and some suspension work. All work is done inside the building. Mr. Manes explained the layout of the proposed building. There are usually 8-10 employees. They are open 7 days a week. Depending on the season the service bay doors will be open during the work day due to the bays not being air conditioned. Mr. Manes then stated they have not had any issues with noise or odors at any of their other sites.

Mr. Rosenau, architect, was accepted as an expert. He then gave a description of the architectural design of the proposed building.

Mr. Dennis asked for more clarification with the drainage.  
Tiffany Cuvillo read from her report dated December 2, 2015.

### **Public Comments**

Dr. George Alber of 18 E. Jimmie Leeds Road stated his concerns with having a tire store next to his property.

Rich Johannessen of 423 S. First Avenue stated his concerns with water levels and his well.

Diane McHale of 17 E. Ridgewood Avenue stated her concerns with the conditions of the rear of the property.

Lynn Fittipaldi of 26 E. Jimmie Leeds Road the owner of Wing It next door stated she was in favor of the approval of this application.

Thomas Darcy of 118 E. Jimmie Leeds Road stated he encourages the board's approval of this application.

### **Board Questions**

Board member Clute questioned the orientation of the building on the property.

Board chairman stated his concerns of the noise that would be coming from the building since the doors would be open.

Board member Coleman asked how far they would be from Wing It.  
*About 50 feet.*  
Questions about drainage were then discussed.

Board member DiPietro questioned the land clearing.  
*That will be addressed during site plan if approved.*

Board member Hauslet questioned if any traffic control devices would be required.

*The County would make that decision for the site plan approval.*

Chairman Mayer asked about the traffic study.

Board member McColgan questioned the potential sizes of the buildings on the plan submitted.

Board member Sidrane questioned the delivery of the tires.

*Once the store is stocked there would be about daily delivers by a small box truck.*

If approved, how soon do you think the site plan would be applied for?

*As soon as possible.*

### **Facts and Findings**

Board member Clute feels this property is not suitable for a commercial garage with the residential homes in the area.

Board member Sperling stated he would be in favor of the application.

Board member Sidrane stated he thinks the applicant has met the requirements and is okay with the use on this lot.

Board member McColgan stated there is a substantial amount of residential behind this property and there are many places in Galloway where this business would prosper but not here.

Board member Coleman stated he does not think this would further promote the zoning and land use laws that have been adopted in Galloway Township.

Board member DiPietro stated that he is concerned about the residential section that backs up the property and does not feel this use would be in their best interest.

Board member Hauslet stated that this would be an opportunity for residence to buy locally and he would be in favor of this application.

Chairman Mayer stated he wants them in Galloway but they did not meet the positive criteria.

A motion to approve application #15-15, 20-24 JLR LLC, for a Use Variance to was made by McColgan and seconded by DiPietro.

All in favor: Hauslet, Sidrane

Opposed: Clute, Coleman, DiPietro, McColgan, Mayer

### **Application Denied.**

#### **#16-15 Danze**

312 Pitney Rd.

B. 1165 L. 5.03

D Use Variance

Mr. Thomas Darcy, the attorney for the applicant, requested a postponement to the February 11, 2016. There will be no further noticing required.

Meeting adjourned 9:53 PM.